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Before the
FEDERAL COMMUNICATIONS COMMISSION FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. OFFICE OF THE SECRETARY

In re Application of)

SHELLEE F. DAVIS)

File No. BPH-911231MA

)
For a New FM Construction)
Permit for Channel 280A,)
Westerville, Ohio)

To: Chief, Audio Services Division

**REPLY TO SUPPLEMENT TO PETITION TO DENY AND
DISMISS THE APPLICATION OF SHELLEE F. DAVIS**

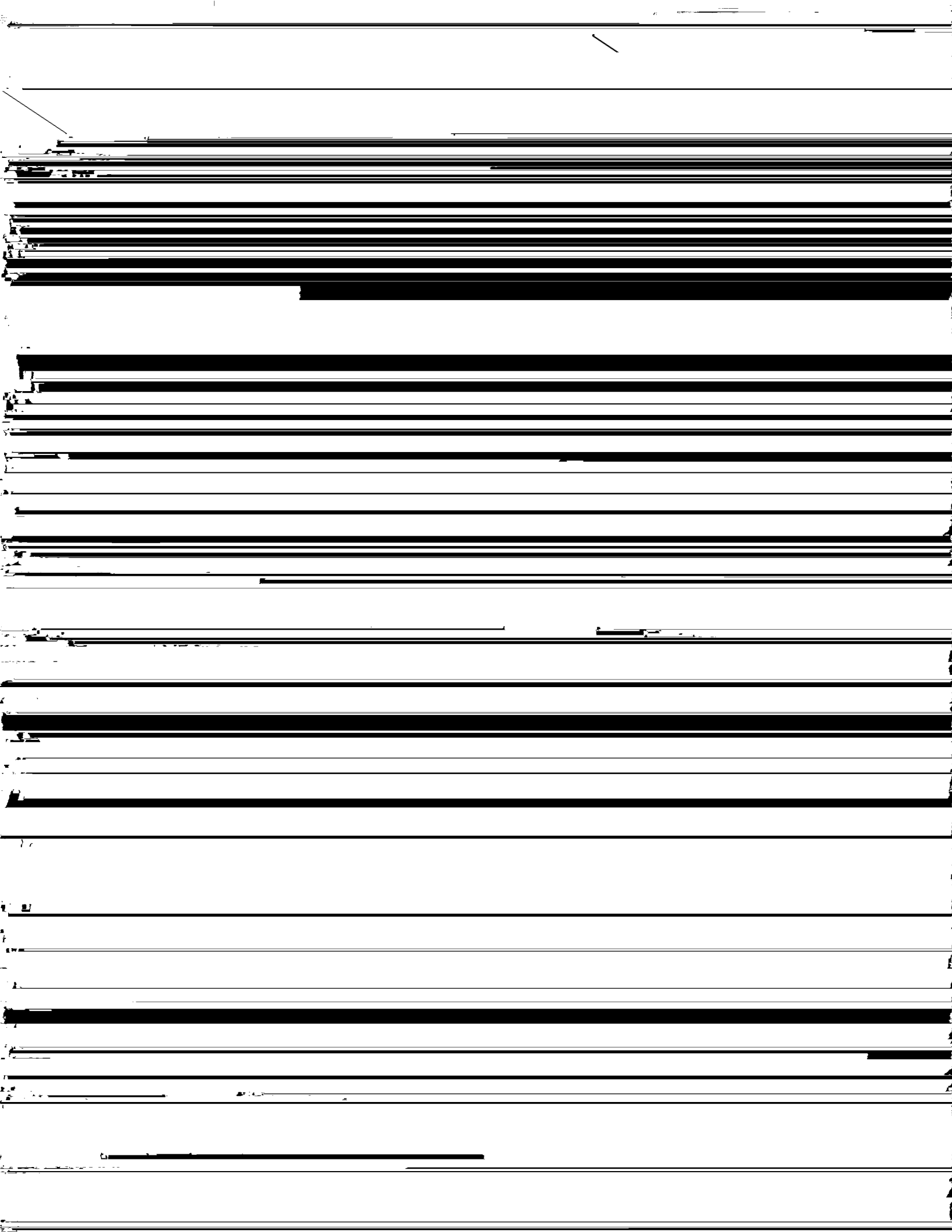
Shellee F. Davis ("Davis"), by her attorneys, hereby submits her reply to the "Supplement to Petition to Deny and Dismiss the Application of Shellee F. Davis" ("Supplement"), filed by Ohio Radio Associates ("ORA") on July 29, 1992. With respect thereto, the following is stated:

1. ORA's latest supplement has no more merit than its previous filings. As Davis has indicated previously, she has proposed the existing allotment reference point that was established prior to October 2, 1989, and is providing full protection to Station WTTF-FM as a 3 kW facility in the direction of that facility. As such, she complies with the grandfathering provisions of Section 73.213(c)(1) of the rules. Although ORA now for the first time concedes that "short-spaced" applicants that are processed under Section 73.213 of the rules need not request a "formal waiver under Section 73.207" (Supplement at 2; cf. Petition at 2), ORA nevertheless paraphrases Section 73.213(c)(2) of the Rules, and claims that it was necessary for

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Davis to demonstrate that "no fully-spaced or less short spaced tower site [is] available." Because ORA's site is fully-spaced, it claims that Davis' application must be dismissed.

There are two facilities to ORA's argument. First, ORA



WHEREFORE, it is respectfully requested that the "Petition to Deny and Dismiss the Application of Shellee F. Davis" be denied.

Respectfully submitted

SHELLEE F. DAVIS

By: 

Dan J. Alpert

Her Counsel

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August 11, 1992

Certificate of Service

I, Dan J. Alpert, hereby certify that I have, this 10th day of August, 1992, caused to be sent by U.S. first-class mail, postage-prepaid, a true and correct copy of the foregoing "Reply to Supplement to Petition to Deny and Dismiss the Application of Shellee F. Davis" to the following:

Stephen Yelverton, Esa.
Maupin Taylor Ellis & Adams
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